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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/040,932	12/31/2001	Kristine B. Fuimaono	39582/KMO/W112	3793

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EXAMINER

COHEN, LEE S

ART UNIT PAPER NUMBER

3739

DATE MAILED: 06/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

GL

Office Action Summary	Application No. 10/040,932	Applicant(s) FUIMAONO ET AL.	
	Examiner Lee S. Cohen	Art Unit 3739	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3,5-7. 6) ☐ Other: ____

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DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 4, 10-12, and 26 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Ben-Haim et al (6,574,492). Applicant's attention is directed to Figure 14C, in particular, as well as column 29, lines 48-52 and column 34, lines 20-32.

Claims 1, 2, 4, 10-13, and 26 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Ben-Haim (6,285,898). The basic device and method of mapping are disclosed by Ben-Haim (see Fig. 10 and column 23, lines 1-9).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4, 5, 7, 10, 11, and 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hummel et al (5,551,426) in view of Ben-Haim et al (6,574,492). The basic device and method of mapping are disclosed by Hummel et al. The reference fails to specifically

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disclose the addition of location sensors on each spine. Such a feature is specifically disclosed by Ben-Haim. Accordingly, it would have been obvious to add location sensors to each spine in Hummel et al in light of the Ben-Haim teaching to better determine the position for mapping and ablating. OK

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over either Ben-Haim et al (6,574,492) or Ben-Haim (6,285,898) as applied to claim 2 above, and further in view of Ponzi et al (6,374,476). The primary references fail to disclose the particular structure of the location sensor mounted within the tip electrode. Ponzi et al disclose such a feature. It would have been an obvious matter of design to substitute an electrode/sensor as shown by Ponzi et al in any of the spines of the primary references to effect the measurements.

Claims 3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hummel et al (5,551,426) in view of Ben-Haim et al (6,574,492) as applied to claims 2 and 5 above, and further in view of Ponzi et al (6,374,476). The primary combination fails to disclose the particular structure of the location sensor mounted within the tip electrode. Ponzi et al disclose such a feature. It would have been an obvious matter of design to substitute an electrode/sensor as shown by Ponzi et al in the combination to effect the measurements.

Claims 8, 9, 14-19, and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hummel et al (5,551,426) in view of Ben-Haim et al (6,574,492) as applied to claims 1 and 18 above, and further in view of Webster, Jr. (5,411,025). The primary combination fails to disclose the particular structure of the spines and mounting structure as well as the steering mechanism. Webster, Jr, discloses such features. It would have been an obvious matter of design

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to substitute such structure as shown by Webster, Jr. in the combination to effect movement of the spines.

Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hummel et al (5,551,426) in view of Ben-Haim et al (6,574,492) as applied to claim 10 above, and further in view of Tu et al (6,231,570). The primary combination fails to disclose the particular radial direction of the spines upon displacement. Such a feature is disclosed by Tu et al. It would have been an obvious matter of design to radial displace the spines in such a direction in light of the Tu et al teaching to effect particular measurements.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hummel et al (5,551,426) in view of Ben-Haim et al (6,574,492) and Webster, Jr. (5,411,025) as applied to claim 19 above, and further in view of Ponzi et al (6,374,476). The use of Ponzi et al is detailed supra.

Claims 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hummel et al (5,551,426) in view of Ben-Haim et al (6,574,492) and Webster, Jr. (5,411,025) as applied to claim 18 above, and further in view of Tu et al (6,231,570). The use of Tu et al is detailed supra.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lee S. Cohen whose telephone number is 703-308-2998. The examiner can normally be reached on Monday-Friday, 7:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda Dvorak can be reached on 703-308-0994. The fax phone numbers for the

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organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0858.



Lee S. Cohen
Primary Examiner
Art Unit 3739

LSC
June 4, 2003